

# EXHIBIT A



## Effective Position Statement

### What should a position statement include?

At a minimum, it should include specific, factual responses to every allegation of the charge. The position statement should clearly explain the respondent's version of the facts and identify the specific documents and witnesses supporting the position. A well drafted position statement can help us accelerate the investigation and limit requests for additional information. Keep the following points in mind as you prepare the response to the charge:

- Address each alleged discriminatory act and your position regarding it and provide copies of documents supporting your position and/or version of the events.
- Provide a description of the company; include legal name and address, name, address, title and telephone number of the person responsible for responding to the charge, primary function of the business, and the number of employees. A staffing or organizational chart is also useful in helping to focus the investigation.
- Provide copies or descriptions of any applicable practices, policies or procedures.
- Identify any other individuals who have been similarly affected by these practices, policies or procedures; describe the circumstances in which the practices, policies, or procedures have been applied.
- Explain why individuals who were in a similar situation to the Charging Party were not similarly affected.
- Identify official(s) who made decisions or took action relating to the matter(s) raised in the charge.
- Be specific about date(s), actions(s) and locations(s) applicable to this case.
- Provide copies of internal investigations of the alleged incidents or grievance hearing reports.
- Inform the EEOC if the matter has been resolved or can be resolved; if it can be resolved, please indicate your proposal for resolution.

An effective position statement is clear, concise, complete and responsive.

Provide your response within the stated deadline. *A brief extension of time may be allowed in particular cases, but only when it is clear that you are working in good faith to supply all of the necessary information.*

U.S. Equal Employment Opportunity Commission

Birmingham District Office

Ridge Park Place

1130 22nd Street South, Suite 2000  
Birmingham, AL 35205-2397

OFFICIAL BUSINESS

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Birmingham District Office



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3523531246

## **Heather Mundy**

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**From:** LASHAUNDA LOVE <LASHAUNDA.LOVE@EEOC.GOV>  
**Sent:** Tuesday, June 10, 2014 4:06 PM  
**To:** Heather Mundy  
**Subject:** Synethia Leonard v. American Freight  
**Attachments:** Leonard, Synethia - Charge and Notice.pdf; LOVE, LASHAUNDA.vcf

Our Reference:  
Charge No. 420-2014-00876  
Synethia Leonard v. American Freight

Ms. Mundy: See attachment and correspondence below regarding the subject matter. The original signed is forthcoming via US Mail.

Via Electronic Mail: [heather@americanfreight.us](mailto:heather@americanfreight.us)

Via US Mail:

American Freight  
c/o Heather Mundy  
Director of Human Resources  
680 Sunbury Road  
Delaware, OH 43015

Dear Ms. Mundy:

On or about January 31, 2014, your organization was served with the above styled charge and was asked by this office to respond to the allegation (s) contained therein. It has now been more than 30 days since your organization was given an opportunity to provide this office a substantive response as required by the Commission's Regulations.

Accordingly, you are again requested to provide the Commission with a substantive response to the above-referenced charge by Friday, June 20, 2014. If the Commission does not receive your response by June 20, 2014, the Commission may subpoena the information pursuant to its procedural regulations at 29 CFR 1601.16. This subpoena will order the respondent to appear at the Birmingham office of the Commission to testify as to its response to the allegations contained in this charge.

Alternatively, if you fail to respond as requested by June 20, 2014 the Commission can infer that your refusal to provide a substantive response is detrimental to the respondent. Therefore, the Commission may draw an adverse inference against the respondent as to the information sought.

Finally, we appreciate your cooperation and expect to receive your response by June 20, 2014. If we do not receive the requested response by June 20, 2014, one of the above alternatives will be pursued. Your prompt response will enable the Commission to resolve the charge in a manner which is fair to the interests of all parties.

Your response or any questions pertaining to this matter should be directed to me at the address above, via e-mail at [lashaunda.love@eoc.gov](mailto:lashaunda.love@eoc.gov), or via fax at (205) 212-215. Please do not hesitate to contact me at (205) 212-2180 if you have any questions.

Enclosures: Notice of Charge

Charge of Discrimination  
Effective Position Statement

Regards,  
Lashaunda Love  
Lashaunda Love  
Federal Investigator  
U.S. Equal Employment Opportunity Commission  
Birmingham District Office  
1130 22nd Street South  
Birmingham, AL 35205  
Email: [lashaunda.love@eeoc.gov](mailto:lashaunda.love@eeoc.gov)  
Office: (205) 212-2180  
Fax: (205) 212-2105

The only thing worse than training your employees and losing them is not training your employees and keeping them. ~ zz



Please consider the environment before printing this e-mail.

CONFIDENTIALITY NOTICE: This e-mail and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance on this message. If you have received this message in error, please notify me immediately by return e-mail and promptly delete this message and its attachments from your computer system. I do not waive work product privilege by the transmission of this message.

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EEOC FORM 131 (11/09)

## U.S. Equal Employment Opportunity Commission

HUMAN RESOURCE EXECUTIVE OR  
MANAGER IN CHARGE  
AMERICAN FREIGHT  
3260 Morrow Road  
Birmingham, AL 35217

## PERSON FILING CHARGE

Synethia Leonard

THIS PERSON (check one or both)



Claims To Be Aggrieved



Is Filing on Behalf of Other(s)

## EEOC CHARGE NO.

420-2014-00876

## NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

Title VII of the Civil Rights Act (Title VII)  The Equal Pay Act (EPA)  The Americans with Disabilities Act (ADA)

The Age Discrimination in Employment Act (ADEA)  The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

- No action is required by you at this time.
- Please call the EEOC Representative listed below concerning the further handling of this charge.
- Please provide by 28-FEB-14 a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to  
If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Stephen R. Liston,  
Supervisory Investigator

EEOC Representative

Telephone (205) 212-2031

Birmingham District Office  
Ridge Park Place  
1130 22nd Street  
Birmingham, AL 35205  
Fax: (205) 212-2105

Enclosure(s):  Copy of Charge

## CIRCUMSTANCES OF ALLEGED DISCRIMINATION

Race  Color  Sex  Religion  National Origin  Age  Disability  Retaliation  Genetic Information  Other

See enclosed copy of charge of discrimination.

Date  
January 31, 2014

Name / Title of Authorized Official  
Delmer Franklin-Thomas,  
District Director

Signature

Enclosure with EEOC  
Form 131 (11/09)

## INFORMATION ON CHARGES OF DISCRIMINATION

### EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

**Section 1602.14 Preservation of records made or kept.** . . . . Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

### NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 207(f) of GINA, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

### NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.